

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division**

In re: JOANNE MARIE ADAMS

Case No. 17-33303 -KRH

Debtor,

Chapter 7

Last Four Digits of Social Security Number: 6895

**RENEWED MOTION TO REOPEN BANKRUPTCY
TO AFFORD RELIEF TO DEBTOR**

Debtor, Joanne Marie Adams (“Adams”) by counsel, sets forth the following:

1. This Court has jurisdiction pursuant to 28 USC 1441
2. This Court has proper venue pursuant to 28 USC 1391
3. This is a core proceeding pursuant to 28 USC 157

PARTIES

4. The movant is Adams, Debtor in the above identified case as defined by the Bankruptcy Code.
5. Respondents are creditors as defined by the Bankruptcy Code.

FACTS

6. Adams filed a Voluntary Petition for Relief in this Court on June 29, 2017.
7. The trustee filed a report of no distribution on December 20, 2017. .
8. A discharge (“the discharge”) was entered on February 02, 2018 and the case was subsequently closed on March 9, 2018.
9. Among the creditors listed in the case was Richard F. Hall, Jr. (“Hall”), 526 Cranes Creek Harbor Drive, Heathsville, Virginia 22473, as to a mortgage loan evidenced by a mortgage note (“the mortgage note”) as to which Adams was borrower and Hall was the lender.

10. The discharge included a discharge of Adams' obligation on the mortgage note.
11. Hall filed a motion to lift stay to allow him to proceed towards foreclosure of Adams' home, which motion was granted. However, the Order of this Court granting Hall relief from the automatic stay did not grant Hall leave to seek to obtain a money judgment from Adams for any deficiency claim as to the mortgage note, and Hall was prohibited by the discharge from seeking any deficiency judgement on the mortgage note because of the discharge.
12. Pursuant to the order lifting the automatic stay, in June 2018, Hall caused a foreclosure of Adams' home ("the home") located at 528 Mila Road, Heathsville, Virginia 22473.
13. In July 2018, Hall took possession of the home.
14. On March 6, 2020, there was pending in the Circuit Court of Northumberland County, Virginia an amended complaint ("the amended complaint") filed by Adams against Hall which has been assigned the number of CL18-319. In that amended complaint, Adams sued Hall for money damages on ground including, *inter alia*, conversion of a vehicle that had been located on the home and breach of an "applicable law" provision in the deed of trust on her home. As to the latter, Adams pled that Hall had (a) taken a vehicle on the premises of the home and deprived her of that vehicle; and (b) had prematurely entered into the home in July 2021 despite a notice giving Adams until midnight on July 8, 2021 to vacate the home.
15. On March 6, 2020, Hall filed an answer and counterclaim ("the counterclaim") as to the amended complaint. In the counterclaim, Hall, *inter alia*, sought money damages for what he said was a deficiency owed by Adams on the mortgage note. In the counterclaim

Hall averred he was entitled to money damages, *inter alia*, because the high bid at the foreclosure had not been sufficient to satisfy the mortgage note.

16. In seeking in the counterclaim, *inter alia*, money damages on a deficiency claim based on a claim that the high bid at the foreclosure was not sufficient to pay off the mortgage note, Hall violated the discharge.
17. Adams asks this Court to re-open this Bankruptcy to allow her to file an appropriate motion asking the Court to address Hall's action on March 6, 2020 violating the discharge.

RELIEF REQUESTED

Adams prays that the Court reopen the Bankruptcy for the foregoing reasons.

Respectfully submitted,

JOANNE MARIE ADAMS


By /s/Henry W. McLaughlin

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Counsel for: Joanne Marie Adams

**NOTICE OF MOTION TO REOPEN BANKRUPTCY
TO AFFORD RELIEF TO DEBTOR**

Debtor, Joanne Marie Adams ("Adams"), by counsel, has filed papers with this court seeking to REOPEN a BANKRUPTCY to AFFORD RELIEF TO DEBTOR.

Your rights may be affected. You should read these papers carefully, and discuss them with your attorney in this Bankruptcy Case, if you have one. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the relief sought in the motion, or if you want the court to consider your views on the motion, then on or before 21 DAYS FROM THIS DATE, you or your attorney **must**:

File with the court and mail a copy to the Debtor's counsel, at the addresses shown below, a written request for a hearing. If you mail your request for hearing to the court for filing, you must mail it early enough so the court will receive it before the date stated above.

Clerk of the Court
US Bankruptcy Court
701 East Broad St, Ste 4000
Richmond, VA 23219

Henry W McLaughlin, Esquire
Law Office of Henry McLaughlin, PC
707 E. Main St, Ste 1050
Richmond, VA 23219

You must also attend a hearing to be held at 12:00 p.m. (noon) on December 1, 2021 in Judge Huennekens Courtroom 5000 located at the United States Bankruptcy Court, Richmond Division, 701 East Broad Street, Courtroom 5000, Richmond, VA 23219.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion, and may enter an order granting that relief.

REMOTE HEARING INFORMATION

Due to the COVID-19 public health emergency, no in-person hearings are being held. This hearing will take place remotely through Zoon on the date and time scheduled herein.

To appear at the hearing, you must send, by email, a completed request form (the "Zoom Request Form"), which is available on the Court's internet website at:

www.vaeb.courts.gov, on the page titled, "Temporary Emergency Provisions Regarding ZoomGov Remote Proceeding Access Information." Email your completed Zoom Request Form, Court staff will respond to the email address from which the request was submitted with additional information on how to participate through Zoom..

The email address shall be used only to submit Zoom Request Forms. No other matters or requests will be considered by Court staff, and under no circumstances will any such matters or requests be brought to the Judge's attention. Failure to comply with these instructions may result in appropriate action, including but not limited to the imposition of sanctions.

PLEASE NOTE: You MUST submit the Zoom Request Form no later than two (2) business days prior to this hearing. Any documentary evidence the parties wish to present at the hearing must be filed with the Court in advance of the hearing.

By /s/Henry W. McLaughlin
 Henry W, McLaughlin (VSB No. 07105)
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 E-mail: henry@mclaughlinvalaw.com
Counsel for Joanne Marie Adams

CERTIFICATE OF SERVICE

I certify that I have this 10th day of November, 2021 filed the foregoing electronically through the court's CM/ECF system to the Chapter 7 Trustee and US Trustee, and by regular mail to The Debtor and all creditors listed on the attached service list.

/s/Henry W. McLaughlin
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Counsel for Joanne Marie Adams

SERVICE LIST

Name	Attn	Address	City	ST	Zip
AT&T		PO Box 536216	Atlanta	GA	30353-6216
Bank of Lancaster		100 S Main St	Kilmarnock	VA	22482-9543
Belfield Physical Therapy		PO Box 1648	Warsaw	VA	22572-1648
Bon Secours CMG	Heathsville Family Practice	8152 Northumberland Hwy	Heathsville	VA	22473-3309
Bon Secours Community Hospital		1500 N 28th St	Richmond	VA	23223-5332
Chesapeake Medical Group BS		95 Harris Rd	Kilmarnock	VA	22482-3845
County of Northumberland	Ellen Booker Kirby, Treasurer	P.O. Box 297	Heathsville	VA	22473-0297
Diane M. Lank, PLC		PO Box 1615	Warsaw	VA	22572-1615
Dr. Michael Miller		3811 Westerre Pky	Henrico	VA	23233-1329
Equidata		724 Thimble Shoals	Newport	VA	23606-2574

Name	Attn	Address	City	ST	Zip
Heathsville Animal Hospital		Bv 45 Back St	News Heathsville	VA	22473-0000
Internal Revenue Service		PO Box 7346	Philadelphia	PA	19101-7346
Joanne Marie Adams		526 Mila Rd	Heathsville	VA	22473-4429
John C. Morgan Jr.	New Day Legal, PLLC	98 Alexandria Pike, Suite 10	Warrenton	VA	20186-2849
Kross Lieberman & Stone		991 Aviation Pkwy, Ste 30	Morrisville	NC	27560-8564
LabCorp		PO Box 2240	Burlington	NC	27216-2240
Lebanon Valley College	Attn Business Office	101 N College Ave	Annville	PA	17003-1400
Mayo & Mayo		PO Box 187	Colonial Beach	VA	22443-0187
OrthoVirginia	Hanover Regional Memorial	8200 Meadowbridge Rd #200	Mechanicsvi lle	VA	23116-2337
Paul Christian Stamm, Jr., Esq		PO Box 2015	Kilmarnock	VA	22482-2015
Pelletteri Group		1717 Park St, Ste 105	Naperville	IL	60563-8576
Peninsula Radiological Assoc		PO Box 12087	Newport News	VA	23612-2087
Premier Healthcare Assoc		7702 E. Parham Rd., Suite 101	Henrico	VA	23294-4375
Publishers Clearing House		PO Box 6344	Harlan	IA	51593-1844
Rappahannock General Hospital		PO Box 1449	Kilmarnock	VA	22482-1449
Richard F. Hall, Jr.		525 Cranes Creek Harbor Drive	Heathsville	VA	22473-4485
Riverside Medical Group	Attn # 13076N	P.O. Box 14000	Belfast	ME	04915-4033
Robert Paul Adams		PO Box 221	Burgess	VA	22432-0221
Roy M. Terry Jr.	Sands Anderson PC	P.O. Box 2188	Richmond	VA	23218-2188
SME, Inc.		PO Box 15209	Wilmington	NC	28408-5209
Tuckahoe Orthopaedic Assoc.		1501 Maple Ave	Richmond	VA	23226-2553
Verizon Virginia		PO Box 4127	Concord	CA	94524-0000
Verizon Wireless		1 Verizon Place	Alpharetta	GA	30004-8510
Virginia Credit Union, Inc.		PO Box 90010	Richmond	VA	23225-9010
Virginia CU Inc		7500 Boulders View Drive	Richmond	VA	23225-4046
Virginia Dept. of Taxation		PO Box 1880	Richmond	VA	23218-1880
Wahoo Radiology		PO Box 13343	Richmond	VA	23225-0343